

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

STEFANIE MARTINEZ-ZERON)(
AND MARIA E. HERNANDEZ,)(
)(
Plaintiffs,)(
)(
v.)(CIVIL ACTION
)(FILE NO. _____
STATE FARM FIRE &)(
CASUALTY COMPANY,)(On Removal From
)(Superior Court Gwinnett County
Defendant.)(Civil Action File No. 22-A-10805-8

NOTICE OF REMOVAL

COMES NOW, State Farm Fire and Casualty Company, Defendant in the above referenced matter, and within the time prescribed by law, files this Notice of Removal, pursuant to 28 U.S.C. §§ 1441 and 1446, respectfully showing the Court the following facts:

1.

On December 20, 2022, Plaintiffs Stefanie Martinez-Zeron and Maria E. Hernandez (hereinafter “Plaintiffs”) filed a Complaint against State Farm Fire and Casualty Company (“State Farm”) in the Superior Court of Gwinnett County, Georgia, styled as *Stefanie Martinez-Zeron and Maria E. Hernandez v. State Farm Fire and Casualty Company*, and assigned Civil Action File No. 22-A-10805-8

(the “Superior Court Action”). True and correct copies of all filings to date in the Superior Court Action are collectively attached hereto as **Exhibit “1”**.

2.

State Farm was served on December 22, 2022. This Notice of Removal is filed within 30 days of December 22, 2022, the date on which State Farm was served with the Complaint and notice of the subject lawsuit. This Notice of Removal is also filed within one year of the commencement of the action. Thus, removal is timely under 28 U.S.C. § 1446(b).

3.

The United States District Court for the Northern District of Georgia, Atlanta Division, includes Gwinnett County, Georgia. Thus, removal to this Court is proper under 28 U.S.C. § 1441(a).

4.

In their Complaint, Plaintiffs allege that their property was damaged by a tree fall event on or around by fire on or around January 3, 2022. [Compl. ¶ 10]. Plaintiffs further allege that State Farm issued a homeowners’ insurance policy to Plaintiffs that was in effect at the time of the tree fall event. [Compl. ¶ 6]. Plaintiffs allege that their valuation of the damage is “\$270,474.56 less previous payments and the applicable deductible” [Compl. ¶ 18], and that State Farm estimated the total

value of the loss to be \$21,516.02. [Compl. ¶ 15]. In addition to recovery for real and personal property damages, Plaintiffs seek a bad faith penalty equal to not more than 50% of the liability of State Farm or \$5,000, whichever is greater, and attorney fees. [Compl. ¶¶ 34-40]. Thus, the amount of damages Plaintiffs seek in this action is greater than \$75,000.

5.

Defendant State Farm Fire and Casualty Company is a corporation organized under the laws of the State of Illinois with its principal place of business in the State of Illinois. It is not a citizen of the State of Georgia, was not a citizen of the State of Georgia on the date of filing of the aforesaid civil action, and has not been thereafter.

6.

Plaintiffs are adult resident citizens of Gwinnett County, Georgia. [Compl. ¶ 1].

7.

Because Plaintiffs and State Farm are citizens of different States, complete diversity exists between Plaintiffs and State Farm in accordance with 28 U.S.C. § 1332(a)(1).

8.

As shown above, the amount in controversy exceeds the sum of \$75,000, exclusive of interest.

9.

The aforementioned civil action is a civil action of which this Court has original jurisdiction under the provisions of Title 28 of the United States Code §1332, and, accordingly, is one which may be removed to this Court by State Farm pursuant to the provisions of Title 28 of the United States Code §1441, in that it is a civil action in which the matter in controversy exceeds the sum of \$75,000.00 exclusive of interest and costs and is between Plaintiffs, who are citizens of Georgia and State Farm, which is a citizen of Illinois.

10.

State Farm has given written notice of the filing of this Notice of Removal to Plaintiffs by notifying their attorneys of record, J. Remington Huggins, Esq. and Michael D. Turner, Esq. of The Huggins Law Firm, LLC, 110 Norcross Street Roswell, GA 30075. State Farm also filed a written notice with the clerk of the Superior Court of Gwinnett County, Georgia a copy of said notice being attached hereto and made in part hereof.

WHEREFORE, State Farm prays that this case be removed to the United States District Court for the Northern District of Georgia, Atlanta Division.

This 20th day of January, 2023.

SWIFT CURRIE MCGHEE & HIERS, LLP

/s/ Rebecca E. Strickland

Rebecca E. Strickland

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CERTIFICATE OF SERVICE

I hereby certify that I have this day electronically filed the foregoing *Notice of Removal* with the Clerk of Court via the CM/ECF e-filing system which will automatically send e-mail notification of said filing to the following attorneys of record:

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This 20th day of January, 2023.

SWIFT CURRIE MCGHEE & HIERS, LLP

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